

UNITED STATES DISTRICT COURT

for the

Western District of New York

United States of America

v.

Aaron Hicks

a/k/a Boog, a/k/a Boogy

Date of Original Judgment: 02/27/2019

Date of Previous Amended Judgment: _____

(Use Date of Last Amended Judgment if Any)

)

)

)

)

)

)

Case No: 1:15CR00033-001USM No: 23995-055

Pro Se

Defendant's Attorney

ORDER REGARDING MOTION FOR SENTENCE REDUCTION PURSUANT TO 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months is reduced to _____.

(See Page 2 for additional parts. Complete Parts I and II of Page 2 when motion is granted)

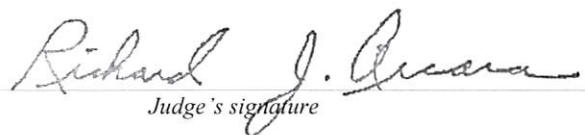
The defendant does not have 7 or more criminal history points; therefore, he is not subject to the assessment of two (2) "status points" pursuant to USSG §4A1.1(e). This would reduce the total criminal history score from 8 points to 6 points, resulting in a criminal history category of III instead of IV. However, the applicable guideline range of 360 months remains the same. Therefore, the amendment does not have the effect of lowering the defendant's applicable guideline range. As such, he is not eligible for a sentence reduction under Part A of Guidelines Amendment 821.

Based on the foregoing, to the extent there has been a request to appoint counsel, it is denied.

Except as otherwise provided, all provisions of the judgment dated February 27, 2019 shall remain in effect.

IT IS SO ORDERED.

Order Date: 2/8/2024


Judge's signature

Effective Date: 2/8/2024
(if different from order date)

Honorable Richard J. Arcara, Senior U.S. District Judge
Printed name and title